

DRAFT POLICY
FOR DISCUSSION PURPOSES ONLY

LIVERMORE VALLEY CHARTER SCHOOL

**STUDENTS: SERVICES FOR STUDENTS
UNDER THE INDIVIDUALS WITH DISABILITIES
IN EDUCATION ACT**

Applicability

This policy requires the identification, referral, assessment and services to all students with exceptional needs enrolled in the Charter School. All students at the Charter School shall be offered a free appropriate public education (“FAPE”) in the least restrictive environment.

Policies and Procedures

▪ Search and Serve

All students will be screened, as a preliminary measure to determine if a referral for assessment is needed. The student’s need for special education can be screened from already available data (e.g., school tests, teacher observation, grades, etc.) regarding the student’s progress or lack of progress within the general program. Any such student suspected of a disability cannot be assessed unless parent permission is obtained. The school’s Special Education Director will then identify any students in need of a pre-referral intervention plan, and work with the school faculty to modify that student’s educational program and Individual Success Plan prior to a referral to the Student Study Team. A Student Study Team composed of the student requiring special education services, that student’s parent or guardian, and the Special Education Director will be responsible for identifying the student’s needs and developing a plan to enable that student to be successful, including the appropriate individual tutoring schedule and classroom modification strategies, and techniques to enhance that student’s ability to be successful. If the Student Study Team finds that the pre-intervention plan is not sufficient to meet the student’s needs, they will recommend that the Charter School refer that student for a formal special education assessment. The Charter School may also choose to refer a student for services through the provision of a Section 504 Plan, if appropriate.

- Referral for Assessment

The referral process is a formal, ongoing review of information related to students who are suspected of having disabilities and show potential signs of needing special education and related services. The Charter School's referral for assessment process will include examining student screening information and making a decision about whether or not to conduct a formal educational assessment. The parent of any student suspected of needing or qualifying for special education services may also make a referral for an evaluation. The Special Education Director will respond to any such referral in writing within 15 days. Parents will be informed via the Special Education Director that special education and related services are provided at no cost to them. If the Charter School concludes that an assessment is appropriate; the parent will receive an Assessment Plan. Assessments will be done only upon receipt of parent's written permission.

- Assessment

A Special Education Director will be responsible for gathering information to determine the student's disability, eligibility for services, and determining the nature and extent of required services. Assessment procedures will be conducted in the student's primary language. The types of assessments that may be used for determining eligibility for specialized instruction and services will include:

- Individual testing;
- Observations;
- Interviews;
- Review of school records, reports, and work samples; and
- Parent input.

The Charter School will follow the following assessment guidelines:

- Parents or guardians of any student referred for assessment must give their written consent for the school to administer the assessment;
- The student must be evaluated in all areas related to his/her suspected disability;
- Multiple assessments will be delivered by a qualified professional to measure the student's strengths and needs;
- Assessments will be delivered without cultural, racial or gender bias;
- Assessments will be delivered in the student's primary language, unless a qualified interpreter is provided;
- Assessments will be adapted as necessary for student's with impaired sensory, physical or speaking skills; and
- A multidisciplinary team will be assembled to assess the student, including a teacher knowledgeable in the disability.

The Special Education Director will be responsible for scheduling, coordinating and facilitating the IEP meeting. Educators qualified to interpret test results will present the assessment data at the IEP meeting.

■ Development and Implementation of IEP

Every child who is assessed by the school will have an IEP that documents assessment results and determines eligibility for special education services. If the student is eligible for services, the Charter School will provide those services according to the student's IEP, which will specify the instruction and services the student shall receive. Students at the Charter School who have IEP's will be served in the Least Restrictive Environment (LRE).

Each student who has an IEP will have an IEP team that oversees the implementation and progress of the IEP. The IEP team at the Charter School will consist of the following individuals:

- The parent or guardian of the student for whom the IEP was developed;
- The Special Education Director;
- A General Education teacher who is familiar with the curriculum appropriate to that student;
- Special education professionals qualified to interpret assessment results; and
- A representative of the LEA, as appropriate.

Others familiar with the student may be invited as needed. The Charter School views the parent as a key stakeholder in these meetings and will make every effort to accommodate parent's schedules and needs so that they will be able to participate effectively on the IEP team. The school will provide an interpreter if necessary to ensure that all parents and/or guardians understand and can participate in the IEP process. If a parent cannot attend the IEP meeting, the school will ensure his/her participation using other methods, such as conferencing by telephone. The IEP will address the following:

- The rationale for placement decisions;
- The services the students will receive and the means for delivering those services;
- A description of when services will begin, how often the student will receive them, who will provide them and where they will be delivered;
- Annual goals and short-term objectives focusing on the student's current level of performance;
- A description of how the student's progress will be measured and monitored; and
- Transition goals for work-related skills.

IEP meetings will be held according to the following schedule:

- Yearly, to review the student's progress and make any necessary changes;
- Every three years to review the results of a mandatory comprehensive reevaluation of the student's progress;
- After the student has received a formal assessment or reassessment;
- When the parent or teacher feels that the student has demonstrated significant educational growth or a lack of anticipated progress;
- When an Individual Transition Plan is (ITP) required at the appropriate age;
- When a special education student has been suspended, especially if they demonstrate a pattern of misbehavior, to determine if change to the IEP are required to address the misbehavior; and
- Prior to the expulsion of a student with an IEP, to determine if the student's misconduct was a manifestation of his/her disability.

■ IEP Review

The IEP team will formally review the student's IEP at least once a year to determine how the IEP is meeting his/her needs. In accordance with IDEA regulations, the IEP team will also conduct a formal review of the IEP once every three years, in which the student is reassessed and the IEP is reviewed as part of an overall comprehensive reevaluation of the student's progress.

If a parent or faculty member feels the student's educational needs are not being met, they may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to the school. Once the request is received, the Charter School will have thirty days, not including school vacations greater than five days, to hold the IEP meeting.

Parents will be informed four times a year of the student's progress toward meeting annual goals and whether the student is expected to meet his/her annual goals. The Goals and Objectives section of the IEP will be an attachment to the general progress report. This will serve to document the method by which the student's progress toward achieving the annual goal is measured, the student's progress during the relevant period, the extent to which it is anticipated the student will achieve the annual goal prior to the next annual review, and where needed, the reasons the student did not meet the goal.

■ Staffing

If the number of special education students will not warrant full-time provider for specialized services; the school will work with the LACOE or contract with independent providers to provide all services including designated instruction and service as specified in California Education Code and IDEA.

The Charter School will employ or contract with Special Education Director. This person will be responsible for overseeing case management of all special education students and for arranging provision of services required by their IEP. The Special Education Director and any other appropriate school personnel will attend development, in-services, and/or training sponsored by LACOE in compliance with IDEA regulations as a participant in a SELPA.

The Special Education Director will:

- Ensure that all aspects of the IEP are followed;
- Arrange for the teacher of the child to attend the team meetings;
- Communicate with parents about progress made toward attaining the goals stated on the child's IEP, and inform them of due process procedures and rights;
- Consult quarterly with the School Principal to ensure that the goals and objectives of students with IEPs are being met;
- Complete the requisite paperwork, updating and filing of necessary information for initial referrals, triennial evaluations, ongoing monitoring of student progress, and appropriate provision of any/all test modifications as stipulated in the IEP;
- Maintain a central file with all special education material and IEP's in accordance with IDEA guidelines; and
- Provide a report of student progress on the same schedule as students in general education.

▪ Reporting

The Charter School will collect and maintain the following information on disabled students as required by the IDEA:

- A Calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability and the number of students with disabilities who are English Learners;
- The number of students provided with test modifications and the types and the number of students exempted from standardized assessments as specified in their IEP;
- The setting in which students with disabilities receive their services, specifically including the portion of school day they receive services with non-disabled peers and time away from the regular classroom;
- The number of students with disabilities suspended in-school and out of school, organized by disability and length of suspension; and
- The basis of exit for the Charter School students with disabilities (i.e. attainment of diploma and type, declassified, moved, etc.).
- Any other data required by the SELPA.

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of the Charter School. The Special Education Director will ensure that a central file with all special education material and IEP is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. The Principal will oversee access to these records, and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of the IEP and will be informed of their specific responsibilities in implementing the IEP.

- Due Process and Procedural Safeguards

Parents or guardians of students with IEPs at the Charter School must give written consent for the evaluation and placement of their child, be included in the decision-making process when change in placement, is under consideration, and be invited, along with teachers, to conferences and meetings to develop their child's IEP.

The school will acknowledge any concerns or disagreements raised by parents within five days, after which a meeting between the parent and school will be scheduled to seek resolution of the disagreement. If a disagreement or concern persists, parents or guardians have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation or educational placement of their child.

The school will provide the parent with all of the notices of procedural safeguards as well as with information on the procedure to initiate both formal and informal dispute resolutions.

- Complaint Procedures

Parents or guardians also have the right to file a complaint with the LACOE, and California State Department of Education if they believe that the school has violated federal or state laws or regulations governing special education.

- Special Education Strategies for Instruction and Services

The Charter School will comply with federal mandate of the least restrictive environment, meaning that the school will make every attempt to educate special education students along with their non-disabled peers. The Charter School will mainstream all of its students as much as is appropriate according to each individual IEP, offering a comprehensive inclusion program that includes specialized individual tutoring through the Charter School extended day program.

Each student's IEP requires different kinds of modifications for instruction and services, therefore the educational strategies of the IEP will be built around the student's needs and how these fit within the general educational program of the

school. The instruction outlined in each student's IEP will be delivered by personnel qualified to do so.

Adopted:

Amended: